

## Message Text

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PAGE 01 MANILA 09540 212316Z

ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 PM-04 H-01 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

DHA-02 AS-01 /058 W

-----033975 220257Z /64

R 210909Z JUN 77

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 1383

INFO SECDEF WASHDC

CSAF JACI

CINCPAC

CINCPACAF HICKAM

GOMUNAVPHIL SUBIC

NAVLEGSVCOFF SUBIC

13AF CLARK

3CSG CLARK

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E.O. 11652: NA

TAGS: MILI, SHUM, RP

SUBJECT: OFFICIAL DUTY CASE - GAINES (CLARK SECURITY DOG INCIDENT)

REF: MANILA 8910, DTG R080931Z JUN 77

1. PURSUANT TO DFA REQUEST (REFTEL) CONSULTATIONS ON THE GAINES OFFICIAL DUTY CASE OCCURRED AT THE 19TH QUARTERLY MEETING OF THE US/RP CRIMINAL JURISDICTION IMPLEMENTATION COMMITTEE (CJIC) WHICH CONVENED AT SUBIC NAVAL BASE ON 17 JUNE 1977.

2. U.S. CO-CHAIRMAN INQUIRED WHETHER PHILIPPINE PANEL HAD ANY SPECIFIC QUESTIONS OR WOULD PREFER A GENERAL BRIEFING ON CASE. PHILIPPINE CO-CHAIRMAN (CHIEF STATE PROSECUTOR NOCON) REPLIED HE WOULD PREFER BRIEFING. LT. COL. HITT,  
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PAGE 02 MANILA 09540 212316Z

13AF JUDGE ADVOCATE AND CAPT. COLEMAN, 3SPG, GAVE DETAILED BRIEFING OF INCIDENT STRESSING THAT VICTIM WAS APPREHENDED IN VICINITY OF AMMO DUMP, PROPERTY DISPOSAL YARD, NAVAID AND WAS ONE TO ONE-AND-ONE-HALF MILES FROM THE PERIMETER FENCE. ALSO, PICTURES WERE PRESENTED OF THE TYPE OF PROPERTY FOUND NEAR VICTIM AT TIME OF APPREHENSION WHICH REVEALED PROPERTY WAS

TYPE STORED IN DISPOSAL YARD FOR RESALE AND NOT GARBAGE AS DEPICTED BY PHILIPPINE VERION. PHILIPPINE PANEL CONTINUED TO STATE THAT GAINES HAD FAILED TO FOLLOW PROCEDURES AS OUTLINED IN AF MANUAL. U.S. REPS POINTED OUT THAT PROCEDURES CITED SIMPLY WERE NOT APPLICABLE UNDER CIRCUMSTANCES OF GAINES CASE AS THE DOG WAS NEVER RELEASED BUT REMAINED LEASHED TO THE HANDLER AT ALL TIMES. PHILIPPINE PANEL HAD DIFFICULT TIME GRASPING THIS DISTINCTION BUT HOPEFULLY AFTER ITERATING THE FACTS SEVERAL TIMES, THEY PERCEIVED THE DISTINCTION. AN AFFIDAVIT BY THE COMMANDER, 3SPG, WAS GIVEN TO PHILIPPINE PANEL WHICH SPECIFICALLY ADDRESSED THE PROCEDURE UTILIZED BY GAINES AND INDICATED THAT SUCH WAS COMPLETELY IN ACCORDANCE WITH CORRECT PROCEDURES UNDER THE CIRCUMSTANCES. REFERENCE WAS ALSO MADE TO THE PC K-9 CORPS WHICH UTILIZES THE SAME PROCEDURES AND THE FACT THAT THEY UNDERGO THE SAME TYPE OF TRAINING.

3. END RESULT OF EXTENSIVE BRIEFING WAS THAT PHILIPPINE CO-CHAIRMAN STATED THEY WOULD TAKE THE MATTER UNDER ADVISEMENT.

4. COMMENT: INITIAL CONSULTATIONS ON GAINES CASE WENT AS WELL AS COULD BE EXPECTED UNDER THE HIGHLY EMOTIONAL CIRCUMSTANCES CAUSED BY PUBLICITY IN THE MEDIA. LIMITED OFFICIAL USE

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PAGE 03 MANILA 09540 212316Z

PHILIPPINE PANEL APPEARED RECEPTIVE TO THE BRIEFING ALTHOUGH THEIR PRE-CONCEIVED IDEAS CONCERNING THE INCIDENT PROVED DIFFICULT TO OVERCOME EVEN IN LIGHT OF CLEAR EVIDENCE TO THE CONTRARY. EMBASSY INTENDS TO GIVE PHILIPPINE DEPARTMENT OF JUSTICE A COUPLE OF WEEKS TO RE-EVALUATE THE CASE BEFORE ANOTHER MEETING IS SCHEDULED. HOPEFULLY THIS WILL ALSO ALLOW EMOTIONS TO SUBSIDE. STULL

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NNN

## Message Attributes

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**Review Markings:**  
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